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Eviction law is fine with local tenant

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By Ted Roelofs

As a husband, father and tenant of a Grand Rapids public housing complex, Aubrey Robertson puts security at the top of his home priority list.

Because of that, Robertson is all for a zero-tolerance drug law in force at Creston Plaza apartments on Grand Rapids' Northeast Side.

That includes cases in which families may be evicted for the drug use of a single family member, even off the premises. Robertson sees it as a tool to keep his complex as clean and safe as possible.

"If there's one person (using drugs), that is a start," said Robertson, 52, a native of Jamaica.

He has lived the past four years at Creston Plaza with his wife, Tammy, and his daughter, Precious, 3. In recent months, Robertson was pleased to see casual drug use at the complex diminish with the installation of security cameras.

"If there is a start, then there will be some other problem. I totally agree (if there is a drug link), get them out."

Critics say the law -- argued Tuesday before the U.S. Supreme Court -- tramples on individual rights and harms the very people public housing authorities are supposed to help.

"It's basically one strike and you're out, and I think they went beyond what Congress intended," said Michael Chielens, executive director of Western Michigan Legal Services.

"Someone who had no knowledge or involvement in a criminal act is being punished. That's kind of a basic due process notion that we have had in our legal tradition for a long time."

The case was brought by four Oakland, Calif., senior citizens, including 63-year-old great-grandmother Pearl Rucker. They received eviction notices because of the drug use of relatives or caregivers.

Rucker was ordered out because her mentally disabled daughter was caught with cocaine three blocks from the apartment she shared with her mother and other family members, court records show.

An appeals court blocked enforcement of the law.

At issue is whether housing directors are being more aggressive than Congress intended. The law was passed in 1988 and endorsed by the Clinton administration in 1996 and by the Bush administration last year.

The law was written at a time when public housing complexes were under assault by drug-dealing gangs and politicians were pressured to take action.

Families can be removed for drug use by one member, whether the drug activity is in the home or somewhere else.

Under the Department of Housing and Urban Development' enforcement program, tenants may not avoid eviction simply by claiming ignorance of the crime or an inability to stop it.

Carlos Sanchez, executive director of the Grand Rapids Housing Commission, believes the law can be effective if it's applied with discretion.

The commission administers about 3,500 public housing units in the Grand Rapids area, including Creston Plaza.

"I think if it's done with caution, it's a tool that we desperately needed in our developments," Sanchez said.

Sanchez said Grand Rapids doesn't have the large-scale drug problems larger cities do -- and he wants to keep it that way.

"We've done the best we can to keep it from being so drug-infested it becomes a war zone. Once the development is taken over, it's very difficult to take them back."

Sanchez said the commission relies on police reports in deciding evictions, which he estimated at one or two a year.

Among those cases, according to Leslie Curry, litigation director of Western Michigan Legal Services, was that of a mother evicted from public housing about a year ago with several young children.

She was removed because her 17-year-old son was arrested selling drugs outside the apartment, Curry said. That left her with the hardship of seeking a place she could afford for herself and her children, without the certainty she afford the rent.

"She didn't know about it," Curry said of the drug deal.

"In Grand Rapids, subsidized housing is critical to people's ability to maintain basic security in their lives."